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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELTA PILOTS ASSOCIATION, Plaintiff, v. RUSSELL C. MELVIN, Defendant.	Civil Action No.: 1:14-cv-00225-AKH PLAINTIFF DPA'S COMBINED MOTION FOR EXTENSION OF TIME AND SUPPORTING MEMORANDUM
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COMES NOW PLAINTIFF, the Delta Pilots Association (“DPA”), by and through its undersigned counsel, and pursuant to Federal Rules of Civil Procedure 6(b), and Rule 1D of the Individual Rules Of The Honorable Alvin K. Hellerstein, to hereby move this Court, at the United States Courthouse, 500 Pearl St., New York, New York 10007-1312, for an order extending the date to conclude discovery in this matter to February 28, 2019.

In support thereof Plaintiff states:

Although the parties submitted a Civil Case Management Plan earlier this year (Dkt. 87), the Court has not to date issued any Scheduling Order. However, in the last status conference in this matter, held August 3, 2018, the Court issued an oral order that all discovery in this matter would conclude by the end of the current calendar year and set the next status conference for January 11, 2019.

Following the last status conference the parties raised several discovery disputes concerning their written discovery with each other but, over a period lasting from about October 4 to December 4, the parties successfully resolved all discovery disputes by mutual agreement without need to involve this Court. During that period, and to date in this matter, no depositions have been taken (nor noticed).¹

However, while each party would take at least one deposition it is evident that to do so by the end of this year is highly difficult or impossible: On December 4, 2018, by letter and by email, counsel for Defendant proposed to take a party deposition (of Mr. Caplinger, President of DPA) on select dates in the month of December; on December 6, counsel for Plaintiff, by letter and by email (needing a day to confer with Mr. Caplinger, who flies international routes), truthfully advise counsel that neither Mr. Caplinger or any of his counsels could schedule on any of the proposed dates without hardship due to client and attorney scheduling conflicts and proposed instead to schedule the depositions of Mr. Caplinger, followed by Mr. Melvin, sometime in January or February, on mutually agreed to dates (and offered certain dates counsel could take Mr. Caplinger's deposition then); Plaintiff's letter also offered to draft a joint motion to that effect or, if there was an objections, requested a conference by phone counsel as soon as possible; however, as of the date of this motion counsel for Defendant has not responded. Therefore, after attempting to confer over this motion, counsel for Plaintiff moves at this time because of the impending deadline.

Respectfully, an extension of time to complete discovery to February 28, 2019, is needed for good cause to afford both parties the time to schedule depositions because:

¹ Plaintiff notes that it was not prudent to take depositions until pending discovery disputes were resolved (to avoid additional disputes) however Defendant did not produce certain discovery his counsel agreed to produce until December 4 and then included 363 pages of new discovery.

- i) Of the afore-described scheduling conflicts; and
- ii) Because anticipated depositions will likely involve travel to two different states on two separate occasions (and could be hampered by holiday and weather conditions in December); and
- iii) Because no prejudice to either party will result by a (2) two month extension of the time to complete discovery in this matter, which was commenced in early 2014, because no depositions have yet been noticed or even scheduled but easily could be with this extension; and
- iv) Because Plaintiff has not, prior to this motion, asked this Court for any extension of the date to complete discovery, or any other extension.

Dated: December 10, 2018
White Plains, NY

SEHAM, SEHAM, MELTZ & PETERSEN, LLP

By: /s/ Nick Granath
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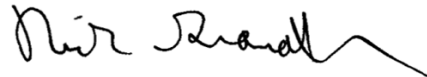
CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2018, I electronically filed the above, attached document, and I further hereby certify that the above attached document was filed with the Clerk

of this Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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On this day of December 10, 2018

A handwritten signature in black ink, appearing to read "Nick Granath", written over a horizontal line.

Nicholas Paul Granath, Esq.